

Hearing Date and Time: November 19, 2009 at 2 p.m. (EST)

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

LEHMAN BROTHERS HOLDINGS, INC., et al.

Debtors.

Chapter 11

Case No. 08-13555 (JMP)

LEHMAN BROTHERS SPECIAL FINANCING INC.,

Plaintiff,

- against -

BNY CORPORATE TRUSTEE SERVICES LIMITED,

Defendant.

Adv. Proc. No. 09-01242 (JMP)

**SUPPLEMENTAL AFFIRMATION OF MICHAEL J. VENDITTO  
IN FURTHER SUPPORT OF THE MOTION FOR  
SUMMARY JUDGMENT OF BNY CORPORATE TRUSTEE SERVICES LIMITED**

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Dated: November 9, 2009

*Attorneys for BNY Corporate Trustee  
Services Limited*

**MICHAEL J. VENDITTO**, affirms the following to be true and correct under penalty of perjury:

1. I am a member of the Bar of the State of New York and a partner in the firm of Reed Smith, LLP, counsel to BNY Corporate Trustee Services Limited in the above-captioned adversary proceeding. I am fully familiar with the facts of this proceeding and submit this affirmation in further support of the Motion for Summary Judgment of BNY Corporate Trustee Services Limited.

2. Attached hereto as Exhibit “A” is a true and correct copy of the Judgment of the Court of Appeal, dated November 6, 2009, in the action entitled “*Perpetual Trustee Co. Ltd. & Anor v. BNY Corporate Trustee Services Ltd & Anor* (the “*Perpetual* Litigation”).

3. Attached hereto as Exhibit “B” is a true and correct copy of the Second Witness Statement of Anna Patricia O’Sullivan, dated June 25, 2009, submitted to the High Court in the *Perpetual* Litigation.

4. Attached hereto as Exhibit “C” is a true and correct copy of the transcript of the August 11, 2009 hearing in this adversary proceeding.

5. Attached hereto as Exhibit “D” is a true and correct copy of the Notice of Appeal, dated August 17, 2009, filed by Lehman Brothers Special Financing Inc. in the *Perpetual* Litigation.

6. Attached hereto as Exhibit “E” is a true and correct copy of the Skeleton Argument, dated September 1, 2009, submitted to the Court of Appeal in the *Perpetual* Litigation on Behalf of the Appellant/Second Defendant Lehman Brothers Special Financing Inc.

7. Attached hereto as Exhibit “F” is a true and correct copy of FitchRatings “Counterparty Criteria for Structured Finance Transactions,” dated October 22, 2009.

8. I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed: November 9, 2009  
New York, New York

/s/ Michael J. Venditto  
MICHAEL J. VENDITTO